

MAR 26 2008

HAROLD BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

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March 26, 2008

VIA FAX

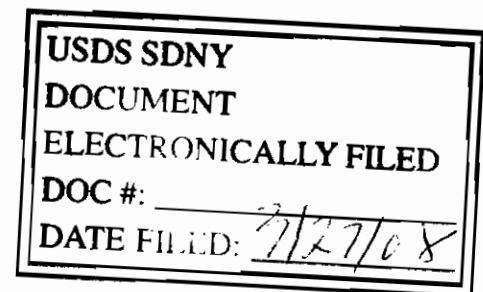
Re: Modine Manufacturing Company v.
Delta Air Lines, Inc.
07 Civ. 07457 (HB)
Our File: 103.275

Honorable Harold Baer, Jr.
United States Courthouse
500 Pearl Street - Room 2230
New York, NY 10007

Dear Judge Baer:

We write as counsel for Delta Air Lines, Inc., one of the defendants in the captioned matter, and write, with the agreement of counsel for the plaintiff and co-defendant Expeditors International STR, to request an adjournment in the discovery cut-off date, which is currently March 28, 2008, as well as motion, pre-trial order and trial dates, of sixty days.

This request is necessitated as a result of difficulty encountered in arranging and scheduling the depositions of knowledgeable representatives. This scheduling has been complicated by the fact that one of the most knowledgeable witnesses is an employee of a non-party, the truck driver for Complete Transport. Complete Transport was hired by Expeditors to pick the involved shipment up from Delta in St. Louis and deliver it to Modine in Camdenton, Missouri. Depositions will have to be held in St. Louis. We are currently awaiting Expeditors' counsel's advice as to if and when the driver will be available.



Accordingly, as aforesaid, we respectfully request that the discovery cut-off date and other scheduled dates be adjourned for sixty days. We thank you for your consideration and look forward to your response to this joint request.

Respectfully Yours,

MOUND, COTTON, WOLLAN & GREENGRASS

By Francis A. Montbach
Francis A. Montbach

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ccs.: (VIA FAX)
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*You are the last case in
June - a trial months
you chose + can't be changed -
if you forego motions you
can have discovery through
May 15 if not your motions
must be held by that date that
an extension of 45 days
but I warn you if you
make motions I can reach
them in time we go to trial
in any event towards the end
of June.*

cc: [illegible]

Harold Baer, Jr.

Harold Baer, Jr., U.S.D.J.

3/27/08

Endorsement:

You are the last case in June - a trial month you chose and can't be changed. If you forego motions you can have discovery through May 15 if not your motions must be here by that date that's an extension of 45 days but I warn you if you make motions and I can't reach them in time we go to trial in any event towards the end of June.